OCS

2001

MEMO TO: JA

27 November 1978

SUBJECT: Guyana Tragedy
Delaware State Law

AUTOPSIES

47 Del. Code Ann. "Medical Examiners"

DEPARTMENT OF STATE
REVIEWED BY _____ DATE _____
RDS☐ or XD☐EXEMPT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☑
DECLASSIFIED☐ RELEASABLE☑
RELEASE DENIED☐
FOIA or PA EXEMPTIONS

Section 4706. Investigation of Deaths.

(a) When any person shall die in this state from an undiagnosed cause which may be related to a disease constituting a threat to public health or in any suspicious or unusual manner or if there is any unclaimed body or if anybody is to be cremated, it shall be the duty of the person having knowledge of such death or of the person issuing a permit for cremation under the provisions of Section 3162 of Title 16 immediately to notify the chief medical examiner, and assistant medical examiner or a deputy medical examiner . . . .

(b) Immediately upon receipt of such notification, the medical examiner shall take charge of the dead body. . . . The office of the chief medical examiner shall promptly notify a relative or close acquaintance of the deceased, or known, of such action.

(c) The medical examiner shall fully investigate the essential facts. . . .

(d) The medical examiner or his duly authorized investigator, in the absence of the next of kin, shall take possession of the personal property found on the deceased. . . .

(e) The medical examiner shall take possession of any object or articles which, in his opinion, may be useful in establishing the identity of the deceased person or the cause of death and deliver them to the Attorney General.

Section 4707. Postmortem Examination: Autopsy Reports.

(a) (Examiner makes written report of his investigation.)

(b) If, however, in the opinion of the medical examiner an autopsy is necessary in the public interest or as shall be requested by the Attorney General, the same shall be performed by the chief medical examiner, an assistant medical examiner, or by such other competent pathologists as may be designated by the chief medical examiner. No person who authorizes or performs an autopsy pursuant to the provisions of this chapter shall be liable in any civil action for damages.

PERMITS

See also §3163, over

16 Del. Code Ann. "Health and Safety"

III. Burial, Removal or Cremation of Dead Bodies (Section 3151 ff.

Section 3151. Permit for Removal, Burial or Other Disposition; Foreign Permits; Prerequisites for Permit.

(a) When. . . a dead body is found, the body shall not be disposed of or removed from a registration district until a permit has been issued by the local registrar of the district in which the death occurs or the body is found or in which the person in charge of interment resides.

(b) When a death. . .occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death. . .occurred, the permit shall authorize the transportation of the body into or through this state (local registrar must indorse permit).

(c) (death certif. need not be filed "as far as it can be completed under the circumstances of the case")

Section 3152. Accepting Dead Body Without Permit; Penalty. ($500 or three months or both for knowingly transporting dead body without a permit.)

Section 3153. Transit Permits for Shipment of Corpses - Required. No common carrier shall receive for shipment from any point within this state to any other point either within or without this state any dead human body, unless such body is accompanied with a transit permit issued as provided in Section 3154 of this title.

Section 3154. Same - Regulation of Issuance. The transit permit required by Section 3153 of this title shall be issued by. . .the State Board of Health. . .under such reasonable rules, regulations and restrictions as the respective Boards of Health determine, and shall be in such form and signed by such person as the respective Boards of Health determine.

CREMATION

Section 3162. Permit for Cremation; Issuance, Retention and Inspection.

(a) A body to be cremated cannot be so disposed of. . . but only after the preparation of a special permit obtained for this purpose. This special permit shall be obtained from a state or local registrar after there has been first deposited with him the death certificate prepared under the provisions of Section 3125 of this title and a certificate signed by (1) physician and by a coroner of a county or by a member of the Office of the

Attorney General to the effect that there is no medical or legal reason why the destruction of the body by the process of cremation should not be permitted.

. . .

. . .

Section 3167. Cremation in This State When Death Occurred Elsewhere. The cremation in this state of the bodies of persons dying in other states is permissible if all the legal requirements of the state in which the death occurred have first been complied with.

Section 3168. Regulations of state board. The State Board of Health may adopt, promulgate, amend and repeal such regulations as may be consistent with law relative to this chapter, including regulations governing the conditions under which the bodies of persons dying from an infectious or communicable disease can be transported from any person of state to a crematorium for the purpose of cremation.

II. Registration Requirements and Certificates.

. . .

Section 3125. Registration of Deaths and Fetal Deaths.

(a) A certificate of every death. . .shall be filed with the local registrar of the district in which the death. . . .occurred or in which the person in charge of interment resides. . . .

. . .

(c) The person in charge of interment shall file with the local registrar of the district in which the death. . . occurred, or in which the person in charge of interment resides or the body was found, a certificate of death. . .within three days after the occurrence.

. . .

(e) The undertaker or person in charge of interment shall, if the death occurred without medical attendance or the physican last in attendance failed to sign the death certificate or circumstances suggest that the death or fetal death was caused other than by natural causes, notify the medical examiner or coroner for investigation and certification.

. . .

Section 3131. Registration of Birth, Marriage or Death where Registration Neglected or Omitted. Notwithstanding any other provisions of this chapter, the State Registrar, on the

production of evidence satisfactory to him relative to a. . . death, if for any reason registration has been neglected or omitted, may register any. . .death which may have occurred when registration was not effective or which may from any cause have escaped registration, and the State Registrar is directed to issue certified copies of such registrations if so requested.

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